6569704/2022/VIG-I-MAU01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – MA&UD Department – Misappropriation of Government funds under the guise of Rajiv Nagara Bata Programme in erstwhile Gajuwaka Municipality, Visakhapatnam District - Disciplinary Proceedings initiated against Sri G.S.N.Murthy, the then Municipal Commissioner (now retired) and (15) others of erstwhile Gajuwaka Municipality, Visakhapatnam District under Rule-20 of A.P.Civil Services (CC&A) Rules, 1991 – Enquiry conducted - Charges held 'proved' against Sri G.S.N.Murthy, the then Municipal Commissioner (now retired), Visakhapatnam – Imposing a penalty of "Withholding of 5% pension for a period of two years" – Orders – Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (VIG.I) DEPARTMENT

G.O.Rt.No.829 **Dated.02 .11.2022.**

Read the following:-

1. From the Director General, G.A. (V&E) Department, Vigilance Report No.169 (3212/V&E-D1/05), dated.28.11.2005.
2. G.O.Rt.No.20, MA&UD (E1) Department, dated.04.01.2008.
3. G.O.Rt.No.1578, MA&UD (E1) Department, dated.20.11.2008.
4. Govt.Memo.No.898/E1/2006, MA&UD (E1) Department, dt.20.11.2008.
5. From Sri Janak Raj, IPS (Retd.), Commissioner of Inquiries & Inquiring Authority, Inquiry Report received through D.O.Letter No.2113/ COI.JR/ 2008, dated.07.09.2010.
6. Govt.Memo.No.898/E1/2006-1, dated.13.12.2010.
7. Written representation of Sri G.S.N.Murthy, the then Municipal Commissioner, GVMC., Visakhapatnam, dated. Nil.
8. Govt.Memo.No.898/Vig.I/2006, dated.12.09.2012.
9. From the C&DMA., A.P., Guntur, Lr.Roc.No.4855525/2021/A1, dated.17.09.2021.
10. Orders of the IV Additional Metropolitan Sessions Judge, Visakhapatnam, dated.03.12.2021 in Criminal Appeal No.11 of 2017.
11. Representation received from Sri G.S.N.Murthy, Retired M.C., estwhile Gajuwaka Municipality, dated.11.01.2022.
12. Govt.Memo.No.898/Vig.I/2006, dated.08.06.2022.
13. Written explanation of Sri G.S.N.Murthy, the then Municipal Commissioner (now retired), GVMC., Visakhapatnam, dated.17.06.2022.
14. Govt. Letter No.898/Vig.I/2006, dated.20.07.2022.
15. From the APPSC., A.P., Vijayawada, File No.GAD03-APPSC0DCC/65/ 2022-DC.SEC-APPSC, dated.16.09.2022.

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O R D E R:

Whereas, it has been brought to the notice of the Government by the Director General, General Administration (V&E) Department in the reference 1st read above that, an amount of Rs.6.00 lakhs issued as advances in connection with Rajiv Nagara Bata Programme held on 24.01.2005 in erstwhile Gajuwaka Municipality has remained unadjusted, the Vigilance & Enforcement instituted an inquiry and the irregularities surfaced thereon. The Director General, General

(P.T.O.)

Administration (V&E) Department recommended to initiate appropriate disciplinary action against the officials concerned.

2. Whereas, in the G.O. 2nd read above, Government initiated departmental action against Sri G.S.N.Murthy, the then Municipal Commissioner of erstwhile Gajuwaka Municipality by issuing Articles of Charges against him.

3. In the G.O. 3rd read above, orders were issued, appointing Sri Janak Raj, IPS (Retired), Commissioner of Inquiries as an Inquiring Authority to inquire into the charges framed against Sri G.S.N.Murthy, the then Municipal Commissioner and others of erstwhile Gajuwaka Municipality. In the reference 4th read above, orders were issued, appointing Sri K.Ramesh, Assistant Commissioner, GVMC., Visakhapatnam as Presenting Officer, to present the case before the Inquiring Authority on behalf of the Disciplinary Authority.

4. In the reference 5th read above, Sri Janak Raj, IPS (Retired), Commissioner of Inquiries & Inquiring Authority submitted his Inquiry Report concluding that the six (6) charges framed against Sri G.S.N.Murthy, the then Municipal Commissioner of erstwhile Gajuwaka Municipality were held proved in the Inquiry.

5. In the reference 6th read above, while communicating a copy of the Inquiry Report under Rule 21(2) of A.P.Civil Services (CC&A) Rules, 1991, the charged officer Sri G.S.N.Murthy, the then Municipal Commissioner was directed to submit his written representation, if any, on the findings of Inquiring Authority. In the references 7th read above, the charged officer submitted his written explanation and among others, requested to drop further action against him.

6. In the reference 9th read above, the C&DMA., A.P., Guntur furnished the service particulars against Sri G.S.N.Murthy, the then Municipal Commissioner (now retired), erstwhile Gajuwaka Municipality.

7. Government after examining the entire case in detail, it has been provisionally decided to impose a penalty of "withholding of 10% cut in pension permanently", against Sri G.S.N.Murthy, the then Municipal Commissioner (now retired), erstwhile Gajuwaka Municipality.

8. In the reference 10th read above, the IV Additional Metropolitan Sessions Judge, Visakhapatnam delivered judgement, dt.03.12.2021 held that; the appellant is found not guilty of offence of falsification of accounts punishable under section 477-A of IPC and is accordingly acquitted. In the reference 11th read above, Sri G.S.N.Murthy, the then Municipal Commissioner (now retired) in his representation, while enclosing the said judgment has requested to drop all further proceedings against him and to release retirement benefits.

9. The representation of the Charged Officer Sri G.S.N.Murthy, has been examined; Keeping in view the Judgement, dt.03.12.2021 of the IV Additional Metropolitan Sessions Judge, Visakhapatnam and decide to impose a penalty of "withholding of 5% pension for a period of two (2) years" instead of "withholding of 10% cut in pension permanently" against Sri G.S.N.Murthy, the then

(Contin....)

Municipal Commissioner (now retired) and since the apses of supervision held proved and accordingly, issued a show cause notice, calling for explanations as as to why the said penalty cannot be imposed against him under Rule-9 of A.P. Revised Pension Rules, 1980, vide reference 12th read above. In reply, Sri G.S.N.Murthy, the then Municipal Commissioner (now retired) has submitted written explanation and among others, requested to drop further action vide reference 13th read above.

10. Government have examined the written representation of the Charged Officer; keeping in view the Inquiry Report and found that there are no new grounds put forth by the Charged Officer. After careful examination of the matter and after following due procedure, it has been provisionally decided to confirm the penalty of "withholding of 5% pension for a period of two (2) years" against Sri G.S.N.Murthy, the then Municipal Commissioner (now retired).

11. In the reference 14th read above, the Secretary, A.P. Public Service Commission, Vijayawada was requested to convey the concurrence of the Commission to the Government proposal.

12. In the reference 15th read above, the Secretary, A.P. Public Service Commission, Vijayawada has informed that, Commission agrees with the proposals of the Government to impose a penalty of "withholding of 5% pension for a period of two (2) years" against Sri G.S.N.Murthy, the then Municipal Commissioner (now retired), erstwhile Gajuwaka Municipality, Visakhapatnam and advised accordingly.

13. Accordingly, Government hereby impose a penalty of "withholding of 5% pension for a period of two (2) years" against Sri G.S.N.Murthy, the then Municipal Commissioner (now retired), erstwhile Gajuwaka Municipality, Visakhapatnam, under Rule 9 of A.P. Revised Pension Rules, 1980.

14. The Commissioner & Director of Municipal Administration, A.P., Guntur shall take necessary further action in the matter accordingly.

15. The receipt of the G.O., shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Y. SRILAKSHMI
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri G.S.N.Murthy, the then Municipal Commissioner (now retired),
erstwhile Gajuwaka Municipality, Visakhapatanam
- **through** the C&DMA., A.P., Guntur.
The Commissioner & Director of Municipal Administration, A.P.,
Vaddeswaram, Guntur.

Copy to:
The Engineer-in-Chief (PH), A.P., Tadepalli, Guntur.
The Commissioner, GVMC., Visakhapatnam.
The Director General, G.A. (V&E) Department, A.P., Vijayawada.
The Secretary, A.P. Public Service Commission, A.P., Vijayawada.
The Secretary to A.P. Vigilance Commission, 5th Building, A.P. Secretariat.

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The Principal Accountant General, A.P., Vijayawada.
The Pay and Accounts Officer, Ibrahimpatnam, A.P., Krishna District.
SF/SCs.

// FORWARDED BY ORDER //

SECTION OFFICER.